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JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

JORGE M. MARQUEZ
Senior Counsel
Phone: (212) 356-2336
Fax: (212) 356-3558
Email: jmarquez@law.nyc.gov

October 30, 2020

VIA E.C.F.

Honorable Mary Kay Vyskocil
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

RE: Vardell Hughes v. City of New York, et al.,
18 Civ. 9380 (MKV) (KNF) (SDNY)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing defendants City of New York, Lieutenant Carlos Fabara, Police Officer Stephen Malvagna, and Police Officer John Campanella in the above referenced action. For the reasons set forth below, the parties submit this joint request to: (1) adjourn the post-discovery conference from November 17, 2020, to various proposed dates in mid-December; and (2) provide an alternate briefing schedule in light of said adjournment concerning the joint status letter as well as the pre-motion conference letters that the parties intend to file. (See E.C.F No. 73.) This is the parties' first joint application to adjourn the post-discovery conference and related deadlines.

As an initial matter, the parties note that discovery is complete in this case. Defendants intend to file a fully dispositive motion for summary judgement motion and Plaintiff intends to file a motion for spoliation sanctions. The parties, however, respectfully request to adjourn the November 17, 2020, post-discovery conference to address these and other matters in light of counsels' schedules during the second half of the month of November. Specifically, the undersigned notes that he is scheduled to get married on November 28, 2020, and is trying to balance out work commitments with wedding related engagements. In addition, the Plaintiff's counsel, Cyrus Joubin, has several commitments during the November 10-13 time period in

which Plaintiff must respond to Defendants' pre-motion letter and 56.1 Statement, and around the November 17, 2020, post-discovery conference date. In particular, on November 12 and 13, Mr. Joubin has two scheduled depositions in the matter of Terron Belle, et al. v. City of New York, et al. – 19cv2673 (VEC); he will defend one of the plaintiffs' depositions and conduct one of the defendants' depositions in that matter. Furthermore, on November 18, Mr. Joubin is scheduled for oral argument before the Second Circuit in the matter of Rowell v. City of New York – 19cv3469. Lastly, affording the parties until mid-December would allow the parties to engage in settlement talks prior to engaging in post-discovery motion practice. Accordingly, the parties propose adjourning the post-discovery conference to one of the following dates as may be convenient for the Court: December 16th, 17th, or 18th.

In light of this adjournment request, the parties propose the following date to file the (a) joint status letter, (b) the Plaintiff's pre-motion conference letter concerning spoliation sanctions, and (c) the Defendants' pre-motion conference letter concerning summary judgement with the corresponding Local Civil Rule 56.1 statements of undisputed material facts: December 8, 2020. With respect to responses to the aforementioned pre-motion conference letters, the parties propose December 11, 2020.

The parties, therefore, respectfully request that the Court: (1) adjourn the post-discovery conference to either December 16th, 17th, or 18th; and (2) adopt the proposed briefing schedule regarding the Defendants' pre-motion conference letter concerning summary judgement and the Plaintiff's pre-motion conference letter concerning spoliation sanctions.

Respectfully submitted,

Forge M. Marquez/s/

Senior Counsel

Special Federal Litigation Division

cc: VIA E.C.F.
Cyrus Joubin
Email: cyrus.joubin@gmail.com

The parties' request is HEREBY GRANTED. The Post-Discovery Conference scheduled for November 17, 2020, at 1:00 PM is ADJOURNED to December 18, 2020, at 11:00 AM. The parties shall file (1) the joint status letter, (2) Plaintiff's pre-motion letter concerning spoliation sanctions, and (3) Defendants' pre-motion letter concerning summary judgment with the corresponding Rule 56.1 Statement on or before December 8, 2020. Responses to the two pre-motion letters, including the Rule 56.1 Counter-Statement, shall be filed on or before December 11, 2020. The parties should consult the Court's Order dated October 26, 2020, and the Court's Individual Rules of Practice and ensure compliance therewith. SO ORDERED.

Date: 10/30/2020
New York, New York

Mary Kay Vyskocil
Mary Kay Vyskocil
United States District Judge